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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 JESUS GONZALEZ-QUEZADA, )  
9 )  
10 Petitioner, ) Case No. C11-639-RSM  
11 v. )  
12 )  
13 ) **ORDER OF DISMISSAL**  
14 )  
15 ELDON VAIL, )  
16 )  
17 Respondent. )  
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19 )  
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13 The Court, having reviewed petitioner's 28 U.S.C. § 2254 petition for writ of habeas  
14 corpus, respondent's Answer, the Report and Recommendation of the Honorable Brian A.  
15 Tsuchida, United States Magistrate Judge, any objections or responses to that, and the remaining  
16 record, finds and orders as follows:

- 17 1. The Report and Recommendation is ADOPTED;  
18 2. Petitioner's § 2254 habeas petition is DISMISSED **without** prejudice to refiling  
19 once all claims have been fully exhausted in state court;  
20 3. Petitioner is DENIED issuance of a certificate of appealability; and  
21 4. The Clerk shall send a copy of this Order to the parties and to Judge Tsuchida.

22 DATED this 23 day of December 2011.

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RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE